

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

WILLIAM A. MINNICK,)	
by THOMAS ANTHONY DURKIN,)	
His Guardian ad Litem,)	
)	
Petitioner)	
)	CAUSE NO. 3:99-CV-157 RM
v.)	
)	
CECIL DAVIS,)	DEATH PENALTY CASE
)	
Respondent)	

OPINION AND ORDER

The parties, by counsel, filed an agreed motion to alter or amend judgment pursuant to FED. R. CIV. P. 59 in which they correctly note that it was the petitioner's *sentence* and not his *conviction* which was vacated by the state court. Due to a scrivener's error, this court incorrectly used the word *conviction* in its order of September 1, 2005 when it should have used the word *sentence*. Though the court misstated the facts in that order, the parties' prior briefing accurately presented the facts to the court. Based on his sentence having been vacated, this court found that it lacked jurisdiction.

For the foregoing reasons, the court:

- (1) **GRANTS** the motion (docket # 173);
- (2) **AMENDS** the order of September 1, 2005 (docket # 172); and
- (3) **DIRECTS** the clerk to issue judgment consistent with that amended order.

SO ORDERED.

ENTERED: September 8, 2005

/s/ Robert L. Miller, Jr.
Chief Judge
United States District Court